

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA	:	
	:	
Plaintiff,	:	
	:	
v.	:	Cr. Action No. 06-56-JJF
	:	
	:	
IGAL SHARON LEVY,	:	
	:	
Defendant.	:	

**MOTION FOR RELEASE PENDING APPEAL/
MOTION TO STAY REPORTING DATE**

NOW COMES defendant Igal Sharon Levy (hereinafter "defendant") by and through his attorney, Raymond M. Radulski, Esquire, and moves this Honorable Court pursuant to 18 U.S.C. § 3143 for release on bond pending appeal. In support of such motion, defendant asserts the following:

1. Following defendant's sentencing on February 21, 2007, the Court entered the judgment on March 2, 2007. Defendant filed a timely notice of appeal of his conviction and sentence on March 2, 2007.

2. By order at sentencing, this Court ordered defendant to self-report as directed by the U.S. Marshall to begin serving the 40 month term of incarceration imposed by the Court. The delay in reporting was occasioned by Defendant's efforts to make arrangements for the continued operation of his business, Consumer Electronics Warehouse, while he is incarcerated. The continued success of this business is crucial to position defendant to make

the substantial restitution ordered in this case. Upon information and belief, defendant is scheduled to report on March 16, 2007.

3. During the sentencing hearing, this Court focused on the issue of restitution upon defendant's request that the Court fashion a sentence, consistent with the factors enunciated in 18 U.S.C. § 3553, that would position the defendant to continue the operation of his business, so as to afford the defendant a realistic opportunity to make restitution in this case.

4. Rather than focusing on the statutory factors, the Court "polled" a representative of the victim and the Government as to whether they wanted the defendant to be incarcerated or whether they wanted the Court to position the defendant to make restitution through a sentencing focused on community supervision. Apparently, the wishes of the victim's representative and the prosecutor for a lengthy sentence of incarceration outweighed the statutory factors.

5. Similarly, rather than focusing on the sentencing factors, the Court apparently determined that defendant's prior bankruptcy proceeding was a factor which weighed in favor of a lengthy sentence of incarceration.

6. During the pendency of this case which initiated in April 2006, defendant, who has no criminal record, has been released on bond and has attended all proceedings without fail. He continues to reside in the area and continues operating his business, Consumer Electronics Warehouse, which is located in the District.

7. Defendant submits that if he is released pending appeal,

he is not likely to flee or pose a danger to the safety of any other person or the community.

8. Defendant submits further that the appeal is not for the purpose of delay and that it raises substantial questions of law or fact likely to result reversal, an order for a new trial, or a sentence that does not include a term of imprisonment, or a sentence reduced to a term of imprisonment that is less than the amount that would be served if defendant begins his term of incarceration during the pendency of the appeal.

9. Defendant's release pending appeal will reduce the economic and emotional hardship suffered by the families of both the defendant and his employees. Defendant's release pending appeal will also give the defendant additional time to train employees to assume his responsibilities in the business so that the business will continue to grow and prosper and position defendant to make full restitution.

10. Alternatively, defendant requests that the Court consider staying defendant's reporting date until April 16, 2007 which will at least give defendant additional time to prepare his employees for his incarceration and help them transition to an operation in which defendant is not an active participant.

11. AUSA Christopher Burke objects to this motion.

WHEREFORE, defendant prays that the Court grant the motion for release pending appeal, or alternatively to stay his reporting date until April 16, 2007.

/s/ Raymond M. Radulski
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Igal Sharon Levy

Date: March 2, 2007

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	:	
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ORDER

_____Defendant Igal Sharon Levy's Motion For Release Pending
Appeal/Motion to Stay Reporting Date having been considered this
_____ day of _____, 2007,

IT IS ORDERED that defendant shall remain on bond pending
appeal, or defendant shall self-report on April 16, 2007, subject
to the terms and conditions originally imposed.

J.

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CERTIFICATE OF SERVICE

I hereby certify that on the date listed below, I electronically filed Defendant Igal Sharon Levy's Motion for Release Pending Appeal/Motion to Stay Reporting Date with the Clerk of Court using CM/ECF which will send notification of such filing to the following: AUSA Christopher Burke, 1007 Orange Street, 7th Floor, Wilmington, Delaware.

/s/ Raymond M. Radulski
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Dated: March 2, 2007